

1 BILL NO. Z-87- 0408

2 ZONING MAP ORDINANCE NO. Z- 05-87

3 AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. S-14.

4 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
5 WAYNE, INDIANA:

6 SECTION 1. That the area described as follows is hereby  
7 designated a B-1-B (Limited Business) District under the terms of  
8 Chapter 33 of the Code of the City of Fort Wayne, Indiana of  
9 1974:

10 Lots 84, 85, 86, 87, 134, 135, 136, 137 in Delta Heights

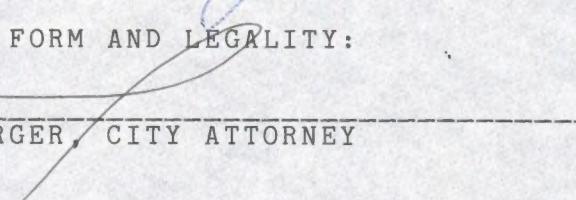
11 Addition of the City of Fort Wayne, Indiana, Allen County,

12 and the symbols of the City of Fort Wayne Zoning Map No. S-14, as  
13 established by Section 11 of Chapter 33 of the Code of the City  
14 of Fort Wayne, Indiana are hereby changed accordingly.

15 SECTION 2. That this Ordinance shall be in full force and  
16 effect from and after its passage and approval by the Mayor.

17   
18 Janet G. Bradbury  
19 Councilmember

20 APPROVED AS TO FORM AND LEGALITY:  
21

22   
23 BRUCE O. BOXBERGER, CITY ATTORNEY  
24

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Read the first time in full and on motion by Bradbury, seconded by Greda, and duly adopted, read the second time by title and referred to the Committee Giaquinta (and the C: Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_.M.,I

DATE: 4-14-87

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Bestard, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>6</u>	<u>3</u>	_____	_____	_____
<u>BRADBURY</u>	_____	<u>✓</u>	_____	_____	_____
<u>BURNS</u>	_____	<u>✓</u>	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	_____	<u>✓</u>	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 5-12-87

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. 3-05-87  
on the 12th day of May, 1987.

ATTEST:

(SEAL)

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Mark E. GiaQuinta  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of May, 1987, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 14th day of May, 1987, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.  
WIN MOSES, JR., MAYOR

**RECEIPT**

No 1177

COMMUNITY DEVELOPMENT &amp; PLANNING

FT. WAYNE, IND.,

3-10 1987

RECEIVED FROM

THE SUM OF

ON ACCOUNT OF

Thomas Ali \$ 50.00

fifty 00 DOLLARS

1800 Grand  
1800 W. Colfax, No.  
1946

AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT  
RECEIPT NO.

THIS IS TO BE FILED IN DUPLICATE

DATE FILED

INTENDED USE

I/We THOMAS P. JEHL

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-1 District to a/an B-1-B District the property described as follows:

OK zoning 3/10/87

*Jon Parrish*

LOTS 84, 85, 86, 87, 134, 135, 136, 137 IN DELTA HEIGHTS ADDITION OF THE CITY OF FORT WAYNE, INDIANA, ALLEN COUNTY

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: 1800 INWOOD DRIVE OR 1800 COLISEUM BLVD., NORTH

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

THOMAS P. JEHL

1928 INWOOD DRIVE

*Thomas P. Jehl*

FORT WAYNE, IN. 46815

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by \_\_\_\_\_

(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

THOMAS P. JEHL

1928 INWOOD DR., FT. WAYNE, IN. 46815

(219) 422-8481

(Name)

(Address & Zip Code)

(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on April 14, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-04-08; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 20, 1987.

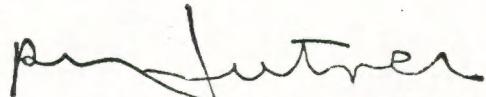
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held April 27, 1987.

Certified and signed this  
8th day of May 1987.



Robert Hutner  
Secretary

# Division of Community Development & Planning

BILL NUMBER

<u>BRIEF TITLE</u>	<u>APPROVAL DEADLINE</u>	<u>REASON</u>																								
Zoning Ordinance Amendment From R-1 to B-1-B																										
<b>DETAILS</b> <table border="1"> <tr> <td><b>Specific Location and/or Address</b>  1800 Block of Coliseum Bl, North</td> <td><b>POSITIONS</b></td> <td><b>RECOMMENDATIONS</b></td> </tr> <tr> <td><b>Reason for Project</b>  Future business development.</td> <td><b>Sponsor</b></td> <td>City Plan Commission</td> </tr> <tr> <td></td> <td><b>Area Affected</b></td> <td>City Wide  Other Areas</td> </tr> <tr> <td></td> <td><b>Applicants/ Proponents</b></td> <td><b>Applicant(s)</b> Thomas P. Jehl <b>City Department</b>  Other</td> </tr> <tr> <td><b>Discussion (Including relationship to other Council actions)</b>  20 April 1987 - Public Hearing</td> <td><b>Opponents</b></td> <td><b>Groups or Individuals</b>  <b>Basis of Opposition</b></td> </tr> <tr> <td>Tom Jehl, petitioner stated he was requesting the rezoning for business development. He stated that the staff has recommended that Nevada Avenue be the access, he stated he has no problem with that. He intends to put Nevada Avenue into Inwood Drive and then go north on Inwood Drive to the existing concrete street. Mr. Jehl questioned the recommendation of the staff with regard to the need for a frontage road. He stated if this parcel is developed as one parcel he did not see the need for a frontage road.</td> <td><b>Staff Recommendation</b></td> <td><input checked="" type="checkbox"/> For      <input type="checkbox"/> Against  Reason Against</td> </tr> <tr> <td>V.C. Seth stated that the frontage road would not be applicable if the entire 6 lots he is requesting rezoned, are retained by and used by the same owner. He stated that half of the lots front on Inwood and half on Coliseum, if they are split then a frontage road would be required.</td> <td><b>Board or Commission Recommendation</b></td> <td><b>By</b>  <input checked="" type="checkbox"/> For      <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken  <input type="checkbox"/> For with revisions to condition (See Details column for condition)</td> </tr> <tr> <td>Mr. Jehl stated that he is directly adjacent to the Elegant Farmer Restaurant. He stated if he had a frontage road it would run directly into their parking lot.</td> <td><b>CITY COUNCIL ACTIONS</b> (For Council use only)</td> <td><input type="checkbox"/> Pass      <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended)      <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub.      <input type="checkbox"/> Do not pass</td> </tr> </table>			<b>Specific Location and/or Address</b>  1800 Block of Coliseum Bl, North	<b>POSITIONS</b>	<b>RECOMMENDATIONS</b>	<b>Reason for Project</b>  Future business development.	<b>Sponsor</b>	City Plan Commission		<b>Area Affected</b>	City Wide  Other Areas		<b>Applicants/ Proponents</b>	<b>Applicant(s)</b> Thomas P. Jehl <b>City Department</b>  Other	<b>Discussion (Including relationship to other Council actions)</b>  20 April 1987 - Public Hearing	<b>Opponents</b>	<b>Groups or Individuals</b>  <b>Basis of Opposition</b>	Tom Jehl, petitioner stated he was requesting the rezoning for business development. He stated that the staff has recommended that Nevada Avenue be the access, he stated he has no problem with that. He intends to put Nevada Avenue into Inwood Drive and then go north on Inwood Drive to the existing concrete street. Mr. Jehl questioned the recommendation of the staff with regard to the need for a frontage road. He stated if this parcel is developed as one parcel he did not see the need for a frontage road.	<b>Staff Recommendation</b>	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against  Reason Against	V.C. Seth stated that the frontage road would not be applicable if the entire 6 lots he is requesting rezoned, are retained by and used by the same owner. He stated that half of the lots front on Inwood and half on Coliseum, if they are split then a frontage road would be required.	<b>Board or Commission Recommendation</b>	<b>By</b>  <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken  <input type="checkbox"/> For with revisions to condition (See Details column for condition)	Mr. Jehl stated that he is directly adjacent to the Elegant Farmer Restaurant. He stated if he had a frontage road it would run directly into their parking lot.	<b>CITY COUNCIL ACTIONS</b> (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass
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**DETAILS**

He stated that he did not feel that a 40 foot frontage road was applicable in any form. He stated that he can access his property from Inwood and from Nevada and it is going to be developed as one property.

Steve Smith stated that the idea of a frontage road is that there be no access off of Coliseum Bl., that is all the staff is recommending.

Mr. Jehl questioned if that would be no frontage road.

Steve Smith stated that is correct.

Mr. Jehl questioned the need for landscaping in the form of a 3 foot high landscape screen along Coliseum as it would block the view of the people working in the offices. He stated they are not objecting to landscaping along Lot #84 to protect the resident immediately adjacent to that lot. He stated that he would request that the landscape requirements with the exception of screening Lot #84 be waived.

V.C. Seth pointed out that the landscaping as Mr. Jehl described it was not a staff recommendation, the only landscaping they are listing as a condition is the screening of Lot #84. He stated the other landscaping is merely a suggestion from the Landscape Architect and not a condition.

Steve Smith questioned if he had any use in mind for the property.

**POLICY/PROGRAM IMPACT**

**Policy or Program Change:**

No

Yes

**Operational Impact Assessment:**

(This space for further discussion)

Mr. Jehl stated he did not.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

27 April 1987 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO PASS recommendation subject to the following conditions:

1) Only one access from Nevada Av and one from Inwood Dr be granted to this site. The access from Inwood be located at least 20 feet north from the north lot line of Lot #75.

2) Landscape buffer, to be approved by CD&P Landscape Architect, to be installed at the east property line of Lot #84.

3) Any other existing or temporary driveways, except those mentioned above, shall be subject to review and closure, by the owner, at the discretion of the Traffic Engineering Department.

4) Nevada Avenue must be constructed to City Standards.

Motion carried.

Of the 8 members present 6 voted in favor of the motion, one voted against and one did not vote.

NOTE: The petitioner has agreed in writing to the stated conditions.

**Project Start**

**Date** 3/10/87

**Projected Completion or Occupancy**

**Date** 5/8/87

**Fact Sheet Prepared by**

Patricia Biancaniello

**Date** 5/8/87

**Reviewed by**

*Gary Baiter*

**Date**

*5/11/87*

**Reference or Case Number**

**ORIGINAL**

Admn. Appr.

COUNCILMANIC DISTRICT No. \_\_\_\_\_

DIGEST SHEET

**ORIGINAL**

3-87-0408

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE Property fronts in 1800 Block of Inwood and

1800 Block of Coliseum Bl. North.

EFFECT OF PASSAGE Property is now zoned R-1 - Single Family Residential.

Property will become - B-1-B - Limited Business District.

EFFECT OF NON-PASSAGE Property will remain R-1 - Single Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

(ASSIGN TO COMMITTEE (J.N.) \_\_\_\_\_

BILL NO. Z-87-04-08

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of Fort  
Wayne Zoning Map No. S-14

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG  
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)  
(RESOLUTION) Do Pass

YES

NO

JANET G. BRADBURY  
CHAIRPERSON

Charles B. Redd CHARLES B. REDD  
VICE CHAIRMAN

Thomas C. Henry THOMAS C. HENRY

PAUL M. BURNS

Ben A. Eisbart BEN A. EISBART

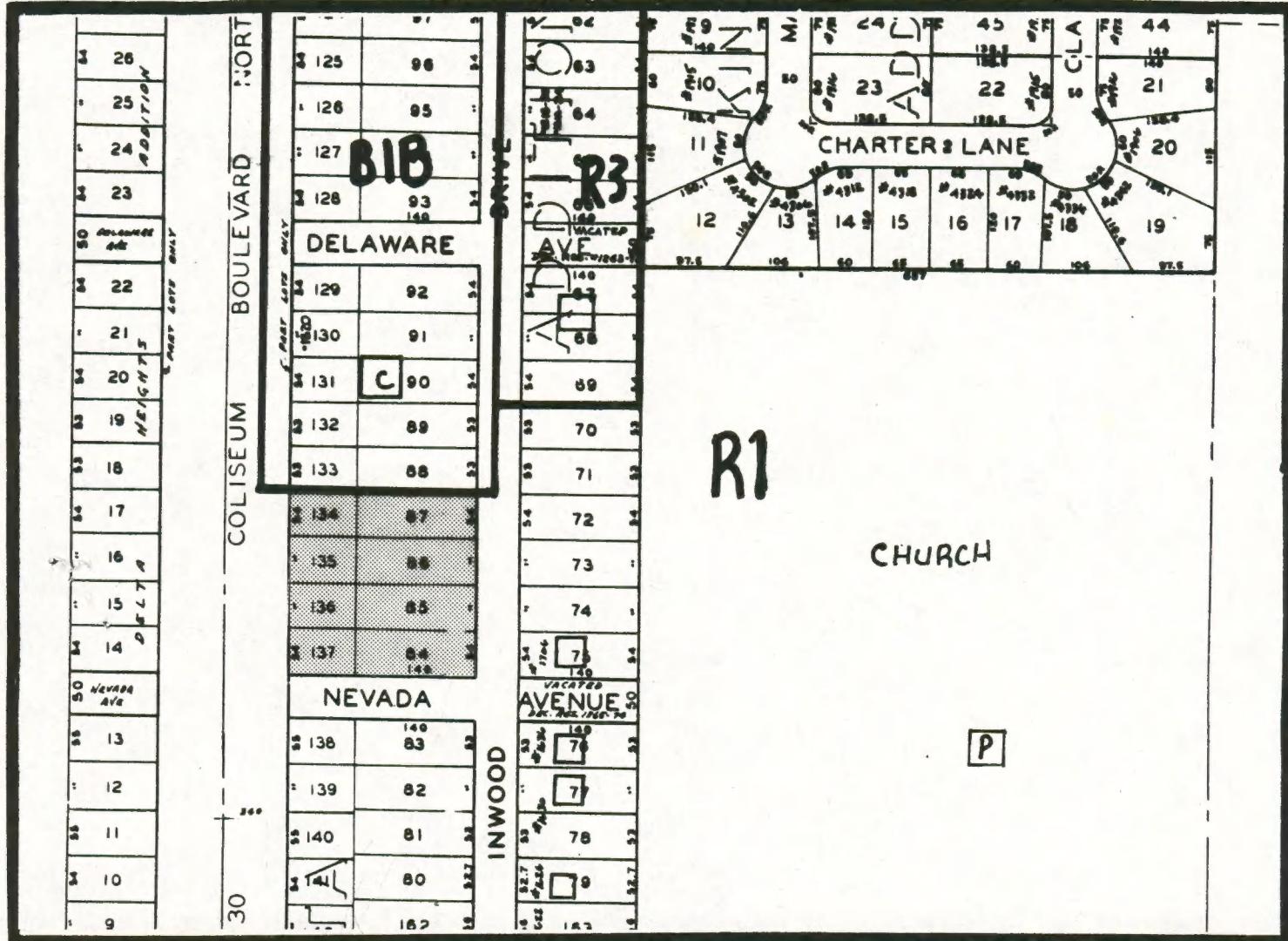
CONCURRED IN 5-12-87

SANDRA E. KENNEDY  
CITY CLERK

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN R-1 DISTRICT TO A B-1-B DISTRICT.

MAP NO. S-14

COUNCILMANIC DISTRICT NO. 2



### ZONING:

R-1 RESIDENTIAL DISTRICT  
R-3 RESIDENTIAL DISTRICT  
B-1B LIMITED BUSINESS 'B'

### LAND USE:

- SINGLE FAMILY
- COMMERCIAL
- PUBLIC

SCALE: 1" = 200'

DATE: 4-1-87

